



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington Field Office

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Charge No. 570-2014-00259

Veronica Kariuki
1027 C Margate Ct.
Sterling, VA 20164

Charging Party

eTeam, Inc.
1001 Durham Avenue, Suite 201
South Plainfield, NJ 07080

Respondent

DETERMINATION

On behalf of the Commission, I issue the following determination on the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended ("Title VII"). All requirements for coverage have been met. Respondent is an employer within the meaning of Title VII. Timeliness, deferral, and all other requirements for coverage have been met.

Charging Party alleges that on July 31, 2013, she received an email from Mr. Kumar Nagdev, a Recruiter for Respondent, advertising a Field Technician position. On August 5, 2013, she applied for the position. Within minutes, she received an email from Mr. Nagdev stating that the position was only available to male candidates because it was a "field job."

Respondent denies that any such e-mail was sent and questions the authenticity of the e-mail copy produced by the Charging Party. It responds that the Charging Party was not selected for submission to the client because she was overqualified and looking for a position with the possibility of advancement, whereas the advertised position was for a limited 6-12 month period.

The record reveals that, although Respondent was unable to locate the e-mail on its server and questions the authenticity of the email, Respondent admitted that recruiters routinely delete applicant data, including email communications with applicants, on a daily basis. In addition, credible evidence demonstrates that the e-mail is authentic. Only e-mails that are actively archived by recruiters are backed up. Even when backed up, the retention period is only seven days. A search for the e-mail, therefore, would not necessarily produce the e-mail in question.

Based on the foregoing, I find that there is reasonable cause to believe that eTeam did not select Charging Party for submission to its client because of her sex (female), in violation of Title VII. Like and related to, and reasonably arising from the investigation contained in the charge, the evidence also shows that Respondent violated Title VII's record-keeping requirements. See 709(c) of Title VII and 29 C.F.R. Part 1602. Respondent was unable to produce applicant data for those individuals who had applied for a Field Technician position within the requested time

EXHIBIT

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frame. Indeed, Respondent admitted that it only maintains data on applicants whose resumes are forwarded to a client for possible hire, and deletes applicant data on the remaining applicants.


Upon finding that a violation has occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of the matter. The confidentiality provisions of Sections 706 and 709 of Title VII and Commission Regulations apply to information obtained during conciliation.

If Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the Office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. A Commission representative will contact each party in the near future to begin conciliation.

You are reminded that Federal law prohibits retaliation against persons who have exercised their right to inquire or complain about matters they believe may violate the law. Discrimination against persons who have cooperated in Commission investigations is also prohibited. These protections apply regardless of the Commission's determination on the merits of the charge.

On Behalf of the Commission:

10-29-2014
Date


Mindy E. Weinstein
Acting Director

Cc: Tina M. Maiolo
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